

INTRODUCTORY REMARKS AT SECOND SESSION

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Let me begin this session by suggesting certain lines of continuity running from this afternoon's subject, "The Place of Professional Education in the Life of the University," to this evening's discussion of "The Teaching and Research Missions of the University Professional School."

A university, whatever else it wisely or unwisely undertakes to do, is an institution both for the education of students and for the advancement of knowledge. If the professional school is genuinely a part of the university, it has, among its other tasks, these two: the transmission of professional knowledge to future practitioners and the advancement of that knowledge by inquiry and research. The teaching and research missions are, I think, far more complementary than antagonistic, but the problem of maintaining a proper balance between them is not an easy one.

We have been hearing much these days about "publish or perish" and about the supposed "flight from teaching" of unduly research-minded professors. Have the university professional schools exalted research over teaching, as their young critics and certain newspaper experts are wont to charge? My own view, provisional and so subject to counter-persuasion this evening by Dean Kirby, Professor Smigel and Dr. Cramblett, is that the facts are quite the other way. The professional schools I know most about, the law schools, seem to me to have been far more faithful in the discharge of their teaching than of their research responsibilities.

This law school subordination of inquiry to teaching can best be seen in the choice of research subjects by legal scholars generally. "If it can't be taught in the classroom, it isn't worth researching." This is the familiar jibe at us, and there is hard truth in it. American legal scholars have produced what may be the finest teaching materials—largely casebooks and law review articles—available anywhere in university education here or abroad, but our record in more basic research on the functioning and efficacy of law in society is far short of what it should be. We have much to do to establish effective patterns of interdisciplinary collaboration between law teachers and scholars elsewhere in the university, and we have barely made a start at what may be the most durably effective of all instructional techniques, the utilization of students as learner-participants in the carrying on of law-related scientific research.

The emphasis on research may be too dominant elsewhere in our universities, although I really do not believe that for a moment, but the research tradition is insufficiently established in our law schools. This neglect of basic law-related inquiry can have serious consequences. If a professional school has no research tradition, it is likely to be transmitting the

knowledge and the problems of yesterday to the practitioners of today and tomorrow. And, to view the matter more broadly, where else but to the universities are we to look for research of genuinely scholarly quality? Profession-centered research has tended, at least so far, to be second rate as compared to university-based scholarship; this, I suspect, because research at a non-teaching institution has to be done by men who lack the stimulation of fresh student criticism. Edwin Patterson used to say, "If you can't explain your research hypothesis to a good student, it isn't worth much," and Patterson's statement records the experience of many of us. To paraphrase Daniel Webster's toast, "Teaching and research, one and inseparable." Or so it is for the university professional school.

Our principal speaker for tonight's discussion of the teaching and research missions of the university professional school is the Dean of the Ohio State University College of Law, James C. Kirby, Jr.